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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,352	12/07/2004	Fabio Frabetti	242/9-1998	5345
28147	7590	06/01/2006	EXAMINER	
WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			TRUONG, THANH K	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

C

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,352	<b>Applicant(s)</b> FRABETTI ET AL.	
	<b>Examiner</b> Thanh K. Truong	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.  
    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-35 is/are rejected.  
7) ☒ Claim(s) 23,26-28 and 34 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
    a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
        1. ☒ Certified copies of the priority documents have been received.  
        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Examiner's comment**

1. The application's disclosure, in general, is vague and unclear to comprehend the structures of the claimed invention. The drawings are lack of details and the lines are too close together and appear as a blot of smearing ink (for example, Figure 6, it is impossible to see the details of items 64-67). It is difficult to decipher the drawing, and thus it is impossible to completely understand the claimed structure limitations. The Applicant is suggested to provide a better drawing with clear details of the claimed invention.

### ***Claim Objections***

2. Claim 23, 26-28 and 34 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim --should refer to other claims in the alternative only--, and/or, --cannot depend from any other multiple dependent claim--. See MPEP § 608.01(n). Accordingly, the claim 23, 26-28 and 34 have not been further treated on the merits.

### ***Specification***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following features must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered:**

- the folding module (31, 32, 33)(first, second and third). It is unclear what are the structures different between these claimed limitations,
- the three seats (45, 46, 47)(first, second and third). It is unclear what are the structures different between these claimed limitations,
- the folding means (41, 42, 43)(second, third and fourth). It is unclear what are the structures different between these claimed limitations,
- the folding means (40) mobile along a direction tangential with respect to the wrapping head (as recited in claim 2),
- two seconds folder means (41) facing each other and oscillating along direction tangential with respect to the wrapping head (2), fit for folding side borders of the wrapping material portion (101) with envelope portfolio wrapping style (as recited in claim 3),

- the folder means third (42) and forth (43) mobile and fit for carrying out orthogonal and opposed folds of borders of the wrapping material portion (101) with envelope portfolio or bunch wrapping style (as recited in claim 4),

- the fixed folder means (80),
- the second fixed folder means (81),
- the third folding station (33) is connected to the second seat (46) (as recited in claim 11),

- the holding means (15) of the product (100) (as recited in claim 12) (show how the product is being hold),

- an opening (18) of second belt means (14), in order to hold by suction each product (100) (as recited in claim 15). Similarly, all of the structure limitations as claimed in claims 17, 19, 20, 28, 29, 30 and 34.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As discussed above in paragraph 4 of this office action, it is difficult to ascertain the structure limitations of the claims due to the lack of disclosure in the drawing as well as in the specification.

For example, the folding modules (31, 32, 33), there are no disclosure to explain how are they differed from each other, or how are they function; the three seats first (45), second (46) and third (47), what are the structure limitations of these seats, and how are they related to one another; the fixed folder means (80) what is it? and how is it worked? (Figure 3 show a circle with a line connected to the reference number 80); and

the folding styles, there are neither explanations nor detail drawings of the folding styles.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "similar products" in claim 1, line 1 is vague and indefinite, because it is unclear what are the "similar products". What is the claimed limitation, following the term "similar product".

As discussed above in paragraphs 4 and 6 of this office action, it is suggested that all of the claims that are mentioned above need to be amended so that one can clearly determine the structure limitations of the claims.

Accordingly, due to the indefiniteness of the claims, the claims are being construed as best understood at the present forms.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-11, 32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Revaz (3,899,865).

Revaz discloses an apparatus comprising: wrapping material (38, 39), a cutting group (45), a feeding group (3), elevator group (11), product (1) and wrapping head (30). the wrapping head further comprises at least eight gripper means (33), the folding group includes a plurality of folding modules (36) positioned around the wrapping head, and the three seats fixed around the wrapping head for housing the folding modules. One folding modules being independently operated to carry out different wrapping styles (column 4, lines 26-28), and the outlet group (58).

Revaz further discloses the folder means (36) mobile along a direction tangential with respect to the wrapping head and fit for folding border of the wrapping material portion with plurality of wrapping styles (column 4, lines 60-64); chute means (58) for the bulk exit of product; feeding group includes a storage hopper (2) for transporting each product to the elevator group, and the apparatus is controlled by electronic control means (automatic wrapping apparatus implies that it is controlled by electronic control means).

***Allowable Subject Matter***

11. Claims 12-22, 24, 25 and 33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



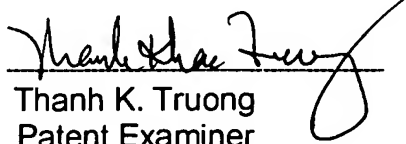
**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thanh K. Truong  
Patent Examiner  
May 28, 2006.